



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Sierra Front Field Office  
5665 Morgan Mill Rd  
Carson City, NV 89701  
<http://www.blm.gov/nv>

In Reply Refer To:  
NVN 091237  
2800 (NVC0200)

**AUG 01 2016**

CERTIFIED MAIL – 7015 1730 0000 1924 1670 RETURN RECEIPT REQUESTED

## DECISION

Comstock Mining, LLC	:	
1200 American Flat Road	:	
P.O. Box 1118	:	Right-of-Way Grant
Virginia City, Nevada 89440	:	

### Right-of-Way Grant NVN 091237 Issued

#### Rental Determined

#### Monitoring Fee Determined

Enclosed is a copy of your right-of-way (ROW) grant, serial number NVN 091237, which authorizes the right to construct, operate, maintain, and terminate roads, walls, berms, ditches, culverts, gate, and signage associated with the roads in the American Flat Road area (Storey County).

The advance rental for the ROW was determined to be \$12,276.66 for the period from August 1, 2016 until December 31, 2016. BLM has received your advance rental for this period.

The monitoring fee for this ROW is a Category 3, which is \$806.00. BLM has received your monitoring fee.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice

of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Bryant D. Smith  
Field Manager  
Sierra Front Field Office

Enclosures

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office  
Sierra Front Field Office

Serial Number  
NVN 091237 Amendment & Renewal

1. A (right-of-way) (permit) is hereby granted pursuant to

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) \_\_\_\_\_

2. Nature of Interest:

- a. By this instrument, the holder Comstock Mining, LLC; 1200 American Flat Rd., P.O. Box 1118, Virginia City, NV, 89440 receives a right to construct, operate, maintain, and terminate a roads, walls, berms, ditches, culverts, gate, & signage for road purposes. on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Mount Diablo Meridian, Nevada

T. 16 N., R. 21 E.,

sec. 5, lots 4, 12, 13, and 14;

sec. 6, lots 10 and 11, W1/2SE1/4, and SE1/4SE1/4;

sec. 8, lots 3, 6, and 7.

- b. The right-of-way or permit area granted herein is \* see below feet wide, \* see below feet long and contains 26.04 acres, more or less. If a site type facility, the facility contains n/a acres.
- c. This instrument shall terminate on December 31, 2045, n/a years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

(Continued on page 2)

3. Rental

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 45 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, A1, A2, B, C, C2, C3, & C4, dated see dates attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

American Flat Road: the non-exclusive right-of-way granted herein is:

- 1) 100 feet wide, 495 feet long, which excludes private land and contains 1.13 acres, more or less;
- 2) 200 feet wide, 800 feet long, which excludes private land and contains 3.14 acres, more or less;
- 3) 100 feet wide, 3,990 feet long, which excludes private land and contains 8.32 acres, more or less.

Lucerne Haul Road: the exclusive right-of-way granted herein is:

- 4) 150 feet wide, 2,825 feet long, which excludes private land and contains 9.72 acres, more or less;
- 5) 300 feet wide, 1,237 feet long, which excludes private land and contains 3.73 acres, more or less.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Cardo D. Garcia  
(Signature of Holder)

MANAGER  
(Title)

7-11-16  
(Date)

[Signature]  
(Signature of Authorized Officer)

Field Manager, Sierra Front Field Office  
(Title)

AUG 01 2016  
(Effective Date of Grant)